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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/315,390	05/20/1999	STEPHEN CRANE	9567.4807	6469

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EXAMINER

VO, HAI

ART UNIT PAPER NUMBER

1771

DATE MAILED: 05/30/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

AS-26

Office Action Summary

Application No.

09/315,390

Applicant(s)

CRANE, STEPHEN

Examiner

Hai Vo

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,9-11,13-23,25,26,29-33 and 35 is/are pending in the application.

4a) Of the above claim(s) 16-22 is/are withdrawn from consideration.

- 5) ☒ Claim(s) 25,26 and 29-32 is/are allowed.

- 6) ☒ Claim(s) 1,2,4,5,9-11,13-15,23,33 and 35 is/are rejected.

- 7) ☐ Claim(s) _____ is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.

- 10) ☒ The drawing(s) filed on 24 March 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)

- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.

- 5) ☐ Notice of Informal Patent Application (PTO-152)

- 6) ☐ Other:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, 5 and 33 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Akimoto et al (US 4,986,860) substantially as set forth in Paper no. 21.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akimoto et al (US 4,986,860) as applied to claim 1 above, further in view of Steward et al (US 4,211,590) or Stamper et al (US 4,256,797) substantially as set forth in Paper no. 21.
5. Claims 9 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akimoto et al (US 4,986,860) as applied to claim 1 above, further in view of Fay (US 4,053,545) substantially as set forth in Paper no. 21.

6. Claims 10,11, and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akimoto et al (US 4,986,860) in view of Steward et al (US 4,211,590) or Stamper et al (US 4,256,797) as applied to claim 2 above, and further in view of Fay (US 4,053,545) substantially as set forth in Paper no. 21.

Allowable Subject Matter

7. Claims 25, 26, 29-32 are allowed. The reasons for allowance have been indicated at page 7 of Paper no. 21.

Drawings

8. The corrected or substitute drawings were received on 03/24/2003. These drawings are accepted.

Response to Arguments

9. The claim objections and the 112 claim rejections have been overcome by the present amendment.
10. Applicant's arguments filed 03/24/2003 have been fully considered but they are not persuasive.
11. The art rejections have been maintained for the following reasons. The arguments that Akimoto does not disclose or suggest a boat deck or boat hull as set forth in the claims are not found persuasive. The recitation of " a boat deck or boat hull" has not given patentable weight because it has been held that a preamble is denied the

effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. ***Kropa v. Robie***, 88 USPQ 478 (CCPA 1951). Since the laminated structure of Akimoto meets all the structural limitations of Applicant's multi-layer composite structure, Akimoto anticipates the claimed subject matter with respect to claims 1, 4, 5 and 33. The arguments that Fay does not disclose the use of an acrylic adhesive are not found persuasive. Fay does disclose the use of an acrylic adhesive to firmly bond an acrylic containing sheet to a foam layer (column 4, lines 62-65). The acrylic adhesive of Fay sets by the heat produced by the foam formation, which allows for reduced production steps. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use an acrylic adhesive as taught in Fay in the composite of Akimoto as modified by Steward or Stamper motivated by the desire to produce a form bond between the acrylic films and foam core of the composite while minimizing additional processing steps. Fay does not need to address the boat decks or boat hulls because the recitations has not given patentable weight since again, the preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. ***Kropa v. Robie***, 88 USPQ 478 (CCPA 1951).

Conclusion

12. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Vo whose telephone number is (703) 605-4426. The examiner can normally be reached on Tue-Fri, 8:30-6:00 and on alternating Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (703) 308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

ELIZABETH M. COLE
PRIMARY EXAMINER


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

HV
May 27, 2003


ELIZABETH M. COLE
PRIMARY EXAMINER